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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,703	12/13/2000	Takashi Kikuchiura	1419.1045/JDH	3347

21171 7590 05/21/2003

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WASHINGTON, DC 20001

EXAMINER
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ADDISON, KAREN B

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/734,703	KIKUCHIHARA ET AL.
	Examiner Karen B Addison	Art Unit 2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 23 February 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 8, 10, 12, 14, 21-23, 25, 31, 32, 34 and 35 is/are allowed.
- 6) Claim(s) 1, 17, 18, 26 is/are rejected.
- 7) Claim(s) 28, 29, 37 and 38 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Allowable Subject Matter***

1. Claims 8,10,12,14,21,22,23,25, 31,32,34, and 35 are allowed.
2. Claims 28-29,37-38 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to show an attachment structure for a motor having a battery for driving the motor, wherein one of the first electrode terminal of the motor and the cylindrical conductive portion of the large case body is connected to a first electrode of the battery through only a conductive member, and the other first electrode and the cylindrical conductive portion is connected to a second electrode of the battery directly.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1,18, and 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Tsuzaki (5986367).

Tsusaki discloses in fig.4-13 a motor comprising: a motor unit having a first (10 )and second electrode(11) terminals; and a cylindrical case(6) for covering and securing the motor unit, including a large case body(6) having a cylindrical conductive portion which

is directly provided with the first electrode terminal(10). Wherein the large case body and the insulating small case body (1) comprise recess portions (fig.2) for connecting the large case body and the insulating small case. Wherein, the first (5) and second terminals (6) are electrically connected to the commutator.

Referring to claim A rotor (7) having a first terminal(4) and second terminal(5) an a cylindrical case(6) for covering and securing the rotor, including a cylindrical conductive portion(10) electrically connected to the rotor and directly connected to the second electrical terminal(6) of the rotor (7), and an end case(1) electrically connected to the rotor and directly connected to the first electrical terminal of the rotor.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim17 rejected under 35 U.S.C. 103(a) as being unpatentable over Tausaki in view of Mabuchi (5343102).

Tsusaki disclose in 3-4 substantially the claimed invention. However, Tsusakik does not show the commutator having contact spring, for positioning the motor.

Mabuchi disclose in fig.8-9 a commutator (37) comprising a contact spring (23) and a small case (10) body comprising recess (27) for positioning the motor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention

to modify the motor of Tsusaki with the communicator and small case of Mabuchi to ensure a stable electrical connection.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1,8,10,12,14,17-18,21,22,23,25-26,28-29,31-32,34-35, and 37-38 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen B Addison whose telephone number is 703-306-5855. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1317. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

KBA  
May 19, 2003

*Thomas M. Gray III*  
Thomas

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